



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

January 17, 1992

Ms. A. Lynn Nunns  
Assistant City Attorney  
City of Corpus Christi  
P. O. Box 9277  
Corpus Christi, Texas 78469-9277

OR92-26

Dear Ms. Nunns:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 14261.

The City of Corpus Christi Police Department ("the department") has received a request for information relating to a certain incident. Specifically, the requestor seeks "all recordings, video and audio, concerning or related to this occurrence, as well as all documentation or other evidence of whatsoever nature," including:

1. All recording of all telephone conversations and/or radio transmissions made to or from CCPD by or to any persons involved in the above referenced incident that concern or are related to the above described incident;
2. All incident reports, arrest sheets, field notes, memos, or any other documentation concerning the above referenced incident or persons involved;
3. All video recordings of or related to the incident referenced above.

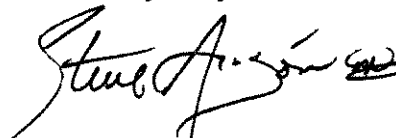
You do not object to releasing some of the requested information. However, you claim that the remainder is excepted from required public disclosure by sections 3(a)(1), 3(a)(3), and 3(a)(8) of the Open Records Act.

Previous open records decisions issued by this office resolve your request. Open Records Decision No. 555 (1990) held that the section 3(a)(3) exception is applicable to information related to litigation that is pending or may be reasonably anticipated to which the state or a political subdivision is a party. Section 3(a)(3) forces parties to a lawsuit to obtain relevant information through the normal process of discovery. Open Records Decision No. 551 (1990) at 4. However, first page offense report information such as was held to be public in *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.-- Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976) may not ordinarily be withheld from public disclosure under section 3(a)(3). See Open Records Decision No. 597 (1991).

You advise us that criminal litigation with respect to this matter is pending. Having examined the records submitted to us for review, we conclude that the requested information relates to that litigation. Except for information made public by *Houston Chronicle*, the information may be withheld from required public disclosure by section 3(a)(3) of the Open Records Act, unless it has been previously disclosed through the discovery process or by court order. Please note that this ruling applies only for the duration of the litigation and only for the information at issue here. Because we resolve this matter under section 3(a)(3), we need not address the applicability of sections 3(a)(1) and 3(a)(8) at this time.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR92-26.

Yours very truly,

A handwritten signature in black ink, appearing to read "Steve Aragon", with a stylized flourish at the end.

Steve Aragon  
Assistant Attorney General  
Opinion Committee

SA/GK/lcd

Ref.: ID# 14261

cc: Mr. Cage Wavell  
1731 Third Street  
Corpus Christi, Texas 78404